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September 13, 2023

***Via E-mail: exsec@ios.doi.gov; Deb_Haaland@ios.doi.gov
and FedEx Overnight Delivery***

The Honorable Deb Haaland
Secretary
U.S. Department of Interior
1849 C Street N.W.
Washington, D.C. 20240

***Via E-mail: fws_director@fws.gov; Martha_Williams@fws.gov
and Via FedEx Overnight Delivery***

Martha Williams
Director
U.S. Fish and Wildlife Service
1849 C Street N.W.
Washington, D.C. 20240

**Re: Lea County, New Mexico's 60-Day Notice of Intent to Sue regarding Decision
to List the Lesser Prairie-Chicken as Threatened and Endangered 87 Fed.
Reg. 72674 (Nov. 25, 2022)**

Dear Secretary Haaland and Director Williams:

Our firm represents Lea County, New Mexico ("***Lea County***"). On November 25, 2022, the U.S. Fish and Wildlife Service and the U.S. Department of Interior (collectively referred to hereafter as the "***Service***") announced their decision to list the Lesser Prairie Chicken ("***LPC***") as "Endangered" and "Threatened" throughout two regions in a final rule published in Volume 87, No. 226, Page 72674 of the Federal Register ("***LPC Rule***"). In light of this decision, Lea County hereby announces and provides this 60-day notice of its intent to sue the Service for violating the Endangered Species Act ("***ESA***"), 16 U.S.C. §§ 1531 *et seq.*, and its implementing regulations, as well as the Administrative Procedure Act ("***APA***"), 5 U.S.C. §§ 551 *et seq.* The Service's ESA listing decision materially affects and prejudices Lea County and its constituents' interests and operations.

A. Lea County, New Mexico

Lea County is a county in New Mexico. The listing of the LPC under the ESA adversely affects the Lea County community, industries, and people who are located within, reside, ranch,

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farm, and use the public and private lands in Lea County. Lea County has significant levels of agriculture and oil and gas production. The LPC Rule will adversely affect these industries and Lea County's economic health and vitality.

B. Violations of the Endangered Species Act and Administrative Procedure Act

In a letter to you dated January 19, 2023, the Permian Basin Petroleum Association (“**PBPA**”), the National Cattlemen’s Beef Association (“**NCBA**”), the Texas Cattle Feeder’s Association (“**TCFA**”), the Kansas Livestock Association (“**KLA**”), the Oklahoma Cattlemen’s Association (“**OCA**”), and the New Mexico Cattle Growers’ Association (“**NMCGA**”) (the TCFA, KLA, OCA and NMCGA are collectively referred to herein as the “**Livestock Associations**”) notified you of their intent to sue the Service and outlined numerous ways in which the LPC Rule violates the APA, the ESA, and the Services own policies. Lea County adopts and joins in that January 19, 2023 letter from the PBPA, the NCBA and Livestock Associations.

This letter provides notice that Lea County intends to file suit against the Service for violating the ESA, the APA, and its own policies, as outlined above. If the Service does not remedy these violations within 60 days, Lea County will initiate litigation in federal district court against the Service concerning these violations, seeking all available relief, including declaratory relief, attorneys’ fees and court costs.

Thank you for your prompt attention to this matter.

Sincerely,



Jeff Kuhnenn
Derek Montgomery
On Behalf of Lea County, New Mexico

CC: Katie Schroder (e-mail);
Cook, Caitlyn (e-mail);
Brockner, Peter (e-mail).